



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

m.H.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,388	01/30/2002	Sture Sjøo	024445-020	5904

7590 05/22/2003

Ronald L. Grudziecki, Esq.  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, VA 22313-1404

EXAMINER

WALSH, BRIAN D

ART UNIT PAPER NUMBER

3722

DATE MAILED: 05/22/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

61

**Office Action Summary**

Application No.

10/058,388

Applicant(s)

SJOO, STURE

Examiner

Brian Walsh

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 – 4 and 8 – 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hudson (U.S. Pat. No. 3,611,527).

Regarding claim 1, Hudson discloses a tool holder (310) comprising a base body with an insert seat comprising an insert support surface (top of 326) and two side surfaces. The base body including a slot (generally shown at 312) forming an extension of the seat. The base body also includes a bottom surface (318) disposed at a lower elevation than the insert-support surface. Please refer to the embodiment disclosed in figure 13.

Regarding claim 2, in an alternate embodiment with a configuration similar to figure 1, Hudson discloses in figure 13 a clamp for urging the insert toward the insert support surface.

Regarding claim 3, Hudson discloses a shim (326) disposed on the bottom surface of the base body, the shim defining the insert support surface.

Regarding claim 4, Hudson discloses a wing (316) forming one side surface of the slot and one of the side surfaces of the insert seat.

Regarding claims 8 and 9, it is clear in an alternate but similar embodiment shown in figure 1 that Hudson discloses there is a point at which the width of the slot is about  $\frac{1}{2}$  the width of the wing.

Regarding claim 10, Hudson discloses the side surfaces of the seat diverge in a direction away from the slot.

Regarding claim 11, still in figure 13, it is clear that the slot has a width that is smaller than a largest width of the seat.

*Allowable Subject Matter*

2. Claims 5 – 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. Claim 12 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: regarding claims 5 and 12, the prior art did not disclose nor render obvious a tool holder with the “wing-and-slot” formation as disclosed in the instant invention in combination with a screw passing through a hole in the wing and extending transversely to a longitudinal direction of the slot in such a way that a tightening of the screw produces a deformation of the wing to displace one of the sides surfaces of the seat toward the other side surface of the seat. Some of the references in the prior disclose similar structures, for instance, Tribble (U.S. Pat. No. 2,988,943) discloses a tool block that has a threaded screw for altering a seat for an insert support surface,

Art Unit: 3722

however, it is clear that the screw (28) does not extend through what could be considered the slot (14) and does not deform a side of the slot, rather moves a side surface (33).

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tribble, Stier, Plummer, Werner, Hudson (U.S. Pat. No. 3,497,934) and Werner et al. disclose tool holders similar to the instant invention.

### *Faxing of Responses to Office Actions*

5. In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing of responses to Office Actions directly into the Group at (703) 872-9302. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Walsh whose telephone number is (703) 605-0638. The examiner can normally be reached on Monday - Friday 7:30 A.M. to 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (703) 308-2159. The fax phone numbers for

Application/Control Number: 10/058,388

Page 5


Art Unit: 3722

the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



BDW  
May 13, 2003



A. L. WELLINGTON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700